



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No. 28

Shillong, Thursday July 23, 2009,

1st Sravana, 1931 (S. E.)

## PART - IIA

### GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

#### NOTIFICATIONS

The 14th July, 2009

**No.TPT.40/97/Pt.II/34.**— The Hon'ble Supreme Court vide Judgement and Order dated 10th July, 2009 has set aside the Judgement and Order dated 23rd June, 2009 passed by the Division Bench of the Hon'ble Guwahati High Court in W.P. (C) 3239/2008 (Shallang Area Coal Dealer & Truck Owners and Ors - versus - State of Meghalaya & Ors), by which Judgement, the Office Memorandum No.TPT.40/97/Pt./4 dated 11th September, 2003 was declared as illegal and having no force of law. The Governor of Meghalaya is therefore pleased to cancel with immediate effect the Notification No. TPT. 40/97/Pt./129 dated 30th June, 2009, thereby restoring the Office Memorandum No. TPT.40/97/Pt./4 dated 11th September, 2003 issued by the Government of Meghalaya.

**A. K. SRIVASTAVA,**

Principal Secretary to the Govt. of Meghalaya,  
Transport Department.

The 8<sup>th</sup> July, 2009

**No.SUP.55/96/250.**— In continuation to this Department's Notification No.SUP.55/96/225, dated 27th June, 2008, the Governor of Meghalaya is pleased to extend the term of service of Shri Alfred Marbaniang (Retd.) Under Secretary to the Government of Meghalaya as Secretary, Meghalaya State Consumer Disputes Redressal Commission for another period of 1 (one) year with effect from 1st April, 2009 to 31st March, 2010 with an honorarium of Rs. 200/- p.m.

**L. KHARKONGOR,**

Secretary to the Govt. of Meghalaya,  
Food, Civil Supplies & Consumer Affairs Department.

The 9<sup>th</sup> July, 2009

**No.ERTS(T)64/98/408.**— Whereas in pursuance of the Industrial Policy of Meghalaya, 1997, tax exemption was granted to eligible industrial units under the Meghalaya Industries (Sales Tax Exemption) Scheme, 2001.

And Whereas also as per the national consensus the Value Added Tax system which is a multipoint system has been introduced in the State of Meghalaya with effect from 1st May, 2005 replacing the old sales tax system;

And whereas further the tax exemption granted earlier to eligible industrial units under the erstwhile Meghalaya Industries (Sales Tax Exemption) Schemes, 2001 being found not compatible with VAT system has been replaced by a remission scheme, namely, the Meghalaya Industries (Tax Remission) Scheme, 2006;

And whereas also an eligible industrial unit under the remission scheme is required to charge tax as per the applicable rates of tax to ensure smooth continuing of the VAT chain but 99% of the tax so charged does not actually accrue to the Government exchequer as the eligible unit is required to deposit only 1% of such tax into Government exchequer as per provisions of the said remission scheme.

And whereas further also a dealer registered under the Meghalaya Value Added Tax Act, 2003 (Meghalaya Act 2 of 2005) who purchases goods taxable under VAT system from such eligible industrial units and sells such goods to another industrial unit under the Remission Scheme in the course of intra-state or inter-state trade or commerce or in the course of export out of the territory of India being eligible to input tax credit as per VAT system, becomes entitled to the refund of the tax so charged by eligible industrial units;

And whereas also in the public interest it has become necessary to restrict the availment of input tax credit in respect of subsequent sales of goods taxable under VAT system made by a registered dealer in the course of intra-state or inter-state trade or commerce or in the course of export out of the territory of India if the goods so sold are manufactured by an eligible industrial unit.

Now, therefore, in exercise of the powers conferred by sub-section (10) of Section 11 of the Meghalaya Value Added Tax Act, 2003 (Meghalaya Act No. 2 of 2005) the Governor of Meghalaya hereby notifies that a registered dealer who purchases goods specified in Scheduled-II, Scheduled-III, Scheduled-IV and Scheduled-V appended to the said Act within the State of Meghalaya, manufactured by an eligible industrial unit under the Meghalaya Industries (Tax Remission) Scheme, 2006 and sells such goods to another industrial unit under the Remission Scheme in the course of intra-state or inter-state trade or commerce or in the course of export out of the territory of India shall not be entitled to input tax credit for the amount of tax shown to have been charged in the tax invoice issued by the eligible industrial unit in respect of such sale.

The eligible industrial unit under the Meghalaya Industries (Tax Remission) Scheme, 2006 shall mention its number and date of Certificate of Entitlement and also give a declaration in the tax invoice to the effect that the goods so sold under the invoice are manufactured in the industrial unit enjoying the benefits under the respective category of the remission scheme.

This Notification shall come into force on the date of its publication in the official Gazette.

**P. W. INGTY,**

Commissioner & Secretary to the Govt. of Meghalaya,  
Excise, Registration, Taxation & Stamps Department.

The 14<sup>th</sup> July, 2009

**No.POL.155/2005/428.**— In supercession of this Department earlier Notification No.POL.155/2005/45, dated 12th September, 2005 and in pursuance of Section 19(1) of the Right to Information Act, 2005, the Governor of Meghalaya is pleased to notify the Secretary to the Government of Meghalaya, Political Department as the Appellate Authority for the purpose of implementation of the aforesaid Act in the State of Meghalaya pertaining to Political Department.

**D. SYIEM,**

Officer on Special Duty to the Govt. of Meghalaya,  
Political Department.

The 14<sup>th</sup> July, 2009

**No.RDS-45/2009/23.**— In exercise of the powers conferred under Section 11(d)(i) of the Meghalaya Transfer of Land (Regulation) Act, 1971, the Governor of Meghalaya is pleased to specify the Indian Oil Corporation Ltd. (IOC, Ltd.) as a Company to which the provisions of the said Act, shall not apply in relation to transfer of land measuring 32,641.00 Sq.ft. (more or less) located at 9th Mile, Baridua, Ri Bhoi District, (and more fully described in the Schedule below) by way of lease for a period of 30 years from Smti. Rosaline Warjri to the Indian Oil Corporation Ltd. (IOC, Ltd.) for the purpose of setting up of a retail outlet.

#### **SCHEDULE**

Location of the land	—	9th Mile, Baridua, Ri Bhoi District.
Area of the Land	—	32,641.00 Sq.ft. (more or less)
Name of Transferer	—	Smti Rosaline Warjri

#### **BOUNDARY**

North	—	Land of Ka Hima Myllem – 57 metres
East	—	Land of Ka Loit Rumnong – 55 metres
South	—	Land of U Ras Sangma – 59 metres
West	—	Land of Ka Meriba Khongwir & Ka Banisha Lyngdoh – 56 metres
Total Area	—	32,641.00 Sq ft. (more or less).

Under Secretary to the Govt. of Meghalaya,  
Revenue and Disaster Management Department.

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The 6th July, 2009

**No.RDS-32/2007/180.**— In exercise of the powers conferred under Section 11(d)(i) of the Meghalaya Transfer of Land (Regulation) Act, 1971, the Governor of Meghalaya is pleased to specify the Numaligarh Refinery Ltd. (NRL) as a Company to which the provisions of the said Act, shall not apply in relation to transfer of land measuring 2 acres (more or less) located at Umtrew, Ri Bhoi District, (and more fully described in the Schedule below) by way of lease for a period of 30 years from Shri Euhighness Diengdoh to the Numaligarh Refinery Ltd. (NRL) for the purpose of setting up of a retail outlet.

**SCHEDULE**

Location of the land	—	Umtrew, Ri Bhoi District.
Area of the Land	—	2 acres. (more or less)
Name of Transferer	—	Shri Euhighness Diengdoh

**BOUNDARY**

North	—	Land of S. S. Lyngdoh – 200 ft.
East	—	Land of S.S. Lyngdoh & Village Road – 435 ft.
South	—	G.S. Road National Highway 40 – 200 ft.
West	—	Land of S.S.Lyngdoh and Shri S.P. Nongbet & G.S. Road – 435 ft.
Total Area	—	2 Acres (more or less).

Under Secretary to the Govt. of Meghalaya,  
Revenue and Disaster Management Department.

The 22nd July, 2009.

**No.TPT.40/97/PART/149.**—Whereas, the Government of Meghalaya propose to make in exercise of the powers conferred by Section 138 read with sub-section (1) of Section 212 of the Motor Vehicle Act, 1988 (Central Act No. 59 of 1988);

Whereas, further in pursuant of sub-section (1) of Section 212 of the aforesaid Act, it is deemed necessary to invite and elicit suggestions/objections/views/comments from the general public so as to reach the State Government within a period of 15 days from the date of publication of this notice.

Now, therefore, the State Government invites suggestions/objections/views/Comments from members of general public of the State with respect to the proposed draft rules and to furnish the same to the Under Secretary to the Government of Meghalaya, Transport Department, Meghalaya Main Secretariat (Room No. 207) within 15 days from the date of publication of this notice on any working day during office hours.

### CONTENTS OF THE RULES

In exercise of the powers conferred by Section 138 read with Sub-Section (I) of Section 212 of the Motor Vehicle Act, 1988 (Central Act No. 59 of 1988), the Governor of Meghalaya is pleased to make the Meghalaya Installation, Regulation, Maintenance and Operation of Weighbridge Rules 2009 as follows:-

1. **Short title, applications and commencement.**—(1) These rules may be called the Meghalaya Installation, Regulation, Maintenance and Operation of Weighbridge Rules, 2009.
  - (2) They shall apply to all the Weighbridges in the whole of the State of Meghalaya.
  - (3) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions:-** (I) In these rules, unless there is anything repugnant to the subject or the context, -
  - (a) "Act" means the Motor Vehicles Act, 1988 (Act No. 59 of 1988);
  - (b) "Government" means the Government of Meghalaya;
  - (c) "Secretary of Transport" means the officer appointed as such by the Government;
  - (d) "Commissioner of Transport" means the officer appointed as such by the Government;
  - (e) "Enforcement Inspector" means the officer appointed as such by the Government for the purpose of enforcing the provisions of the Motor Vehicles Act and rules to detect the violation of such Act/rules; and
  - (f) "Weighbridge" means weighing device for weighing of load vehicle.
  - (2) The terms or word used but not defined in these rules shall have the same meaning or has been respectively assigned to them in the Act or the Central Motor Vehicles Rules, 1989.
3. **Installation of weighing devices.**—The Government may install as many weighbridges for the purpose of Section 114 of the Act, at such places, as it may think necessary and no private person, body of persons, company or organization shall install any such weighbridge without the written permission from the Government in the Transport Department.
4. **No weighbridge without permission.**—Private person, body of persons, company or organization shall not be eligible for obtaining permission to run a weighbridge unless he has made an application for grant in writing to the Government in Transport Department through the Commissioner of Transport and shall state, -
  - (a) the full name, age and address of the applicant;
  - (b) the location where the weighbridge is proposed to be install together with the area and size of the place.

- (c) the full particulars regarding ownership and rights in the place where the weighbridge apparatus is to be installed;
  - (d) when either the ownership of or right of the place or the apparatus to be used do not vest with the applicant, a certificate of 'no objection' to be obtained from the person with whom such right vests;
  - (e) a 'no objection' certificate from the Deputy Commissioner/SDO (Civil having jurisdiction over the area, to the grant of permission;
  - (f) a clearance certificate from the concerned Executive Engineer, PWD (Roads) having jurisdiction over the area;
  - (g) a clearance certificate from the concerned Inspector of Weights & Measures having jurisdiction over the area, that the weighbridge apparatus conforms to the standards required for the purpose; and
  - (h) proof of age of the applicant.
5. **Permission for weighbridge at the satisfaction of Commissioner of Transport.**—In considering the grant of permission, the Commissioner of Transport should satisfy himself that the proposed place for installing and operation of the Weighbridge on National Highway/State PWD Road should fulfill the following, namely:-
- (a) that adequate parking space and lay bye facility so as not to cause problems of traffic congestion on the highway is available;
  - (b) that it is maintained in a safe and appropriate manner;
  - (c) that the proposed place located is consistent with public safety and convenience; and
  - (d) that provision for off loading the excess loading is available.
6. **Commissioner of Transport to forward the application to the Secretary Transport Department.**—After satisfying himself that the application is complete and meets the requirement as laid down in the aforesaid rules 4 and 5, the Commissioner of Transport shall forward the application with all required informations to the Secretary of Transport Department for issue of permission.
7. **Renewal of permission.**—Any permission referred to in Rule 6 above, shall be renewable every year and no such permission shall be granted or renewed unless the proposal for the grant or renewal of permission, as the case may be, is accompanied by the certificate issued by the Inspector of Weights and Measures, Government of Meghalaya as to the accuracy and correctness of the device.
8. **Government may maintain weighbridges.**—The weighbridges installed by the Government shall be maintained by the District Transport Officer under whose jurisdiction such weighbridges are installed.
9. **Penalty for overloading.**—Each weighbridge including private weighbridges which are permitted by the Government shall be supervised by a Enforcement Inspector who will check and ensure that no vehicle carries weight above the Permissible limits as affixed in the Schedule - I appended to these rules (prescribed in Notification No.SO.416 (E) dated 9th June, 1989). Any contravention shall attract penalty as provided in section 194 of the Act.
10. **Maintaining of weighbridges.**—(1) The Weighbridge installed under these Rules shall be maintained in the following manner, namely, -
- (a) the Weighbridge shall be kept in a running condition and shall be examined, tested and certified by the Inspector of Weights and Measures at least once in a every year;
  - (b) fees for weightment of different categories of Motor Vehicles shall be charged at the rate specified below, -

<u>Nature of Vehicle</u>	<u>With Load</u>
(a) Light Motor Vehicle (a Transport Vehicle the GVW of which does not exceeds 7500 Kgs)	Rs. 20/-
(b) Medium Goods Vehicles (any goods vehicles other than light motor vehicle or a heavy goods vehicles)	Rs. 25/-
(c) Heavy Good Vehicles (any goods carriage the gross vehicle weight of which or a Tractor, the unladen weight of which exceeds 12,000 Kgs.) Having single axle with 4 tyres	Rs. 30/-
(c) the lessee will display a board at a prominent place within the premises of the weighbridge to enable the customers to know easily the rates of the weighment as per the chart above mentioned;	
(d) the lessee shall issue a money receipt and certificate under his hand and seal, and give the same to the owner or the Driver or Conductor of the vehicle weighed showing the particulars of the vehicle and the measured weight thereof. The lessee shall keep the carbon copy with himself and the weighment certificate is to be certified or countersigned by the concerned Enforcement Inspector on duty;	
(e) a register stating the particulars of the vehicles weighed and particulars of each vehicle shall be maintained in Form as appended to in Schedule-II which shall be signed by the District Transport Officer in every month; and	
(f) a monthly statement stating the particulars of the register in the same format shall be submitted to the Commissioner of Transport, Meghalaya on or before the 10th of the month of the English Calender Year.	
(2) The above rates are inclusive of all costs, charges and fees and the lessee shall not be entitled to claim any further amount or concession either from the vehicle owner or the Government or any account whatsoever. The rates may be revised at any time by the State Government by a notification.	
11. <b>Vehicle to be placed on weighbridge.</b> —The Driver of any goods vehicle shall, upon demand by a Competent Authority, drive and place the vehicle upon any weighbridge in such a manner that the weight of the vehicle may be exhibited by the weighbridge.	
12. <b>Enforcement Inspector or any officer may cause the driver to drive vehicle on weighbridge if he fail.</b> —If a Driver of a Motor Vehicle, within a reasonable time, fails to comply with the requisition made under rule 11 above, the Enforcement Inspector or any Officer as notified by the Government of Meghalaya may cause any Person being the holder of a driving license to drive the vehicle to the weighbridge and place the vehicle upon it for weightment.	
13. <b>Exemption from the Provision of this Rule.</b> —Notwithstanding anything contained herein before, no provision of this rule shall apply to vehicles belonging to Fire Brigade, Ambulance and such other class of vehicles as may be specified by the Government from time to time by notification published in the Official Gazette.	

**A. K. SRIVASTAVA,**  
Principal Secretary to the Govt. of Meghalaya,  
Transport Department.

**The Meghalaya Installation, Regulation, Maintenance and  
Operation of Weighbridge Rules, 2009.**

**SCHEDULE-I  
(See rule 9)**

The maximum safe axle weight shall be as follows :-

		<u><b>Tonnes.</b></u>
Single axle (Single wheel) fitted with 1 tyre	-	3.0
Single axle fitted with 2 tyres	-	6.0
Single axle fitted with 4 tyres	-	10.2
Tandem axle fitted with 8 tyres	-	19.0

**The Meghalaya Installation, Regulation, Maintenance and  
Operation of Weighbridge Rules, 2009.**

**Schedule - II  
FORM  
See Rule 10 (e)**

**FORM OF REGISTER TO BE MAINTAINED BY THE  
WEIGHBRIDGES**

Sl. No.	Date of Weighment	Vehicle No.	Status loaded of Emptt. U.L.W./R.L.W.	If Loaded Particular of the materials and total load.	Amounts of fees Realised	Signature of the Weighman